

KASOWITZ BENSON TORRES LLP

MARC E. KASOWITZ  
DIRECT DIAL: (212) 506-1710  
DIRECT FAX: (212) 835-5010  
MKASOWITZ@KASOWITZ.COM

1633 BROADWAY  
NEW YORK, NEW YORK 10019  
(212) 506-1700  
FAX: (212) 506-1800

ATLANTA  
HOUSTON  
LOS ANGELES  
MIAMI  
NEWARK  
SAN FRANCISCO  
SILICON VALLEY  
WASHINGTON DC

September 25, 2023

**VIA ECF**

Hon. Lorna G. Schofield  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**Re: *Binh Thanh Import Export Prod. & Trade Joint Stock Co. v. Amazon.com Servs. LLC*,  
No. 1:23-cv-00292-LGS**

Your Honor:

Pursuant to the Court's September 12, 2023 Order (Dkt. 43), Binh Thanh Import Export Prod. & Trade Joint Stock Co. d/b/a Gilimex, Inc. ("Gilimex") and Amazon.com Services LLC ("Amazon," collectively, "the Parties") jointly submit this letter regarding the status of the Parties' efforts to secure the deposition testimony of current and former employees.

The Parties expect to substantially complete fact depositions of all witnesses within their control, or who have agreed to appear voluntarily, by the week of October 23, 2023.

With regard to witnesses who are former employees of the Parties over whom the Parties lack control, and who have been unresponsive or otherwise unwilling to appear voluntarily, the Parties are working diligently to secure their testimony. On August 3, 2023, Gilimex notified Amazon of its intention to depose former Amazon employee, Mr. Tam Ly, who has not responded to Amazon's repeated attempts to contact him with respect to this matter. Mr. Ly is a former director of Amazon's robotics division, the corporate arm at issue in this case, and, Gilimex submits, likely has relevant knowledge regarding the relationship between Amazon and Gilimex and Amazon's decision to end that relationship in 2022. After several requests from Gilimex during the months of August and September for confirmed dates for Mr. Ly's deposition, or alternatively his contact information, Amazon provided Mr. Ly's last known address, phone number, and email address on September 21, 2023. Mr. Ly resides in Georgia and Gilimex is in the process of attempting to secure his voluntary appearance for deposition, and to that end has reached out to him via email on September 23, 2023. Should Mr. Ly refuse to appear voluntarily, Gilimex intends to compel his deposition via subpoena. Gilimex hopes to take Mr. Ly's deposition in October.

KASOWITZ BENSON TORRES LLP

Hon. Lorna G. Schofield  
September 25, 2023  
Page 2

Amazon wishes to take the depositions of four former Gilimex employees – Tuan Linh, Hoang Bac, My Chau, and Chi Nguyen. My Chau and Chi Nguyen were identified by Gilimex as individuals with knowledge in Gilimex’s initial disclosures and responses to interrogatories served in this case, and Hoang Bac was named a custodian with relevant knowledge after the service of initial disclosures. Gilimex contends that it has no control over these individuals and has been unable to secure their attendance for deposition. Gilimex provided the last known addresses in Vietnam for each of these individuals on August 15, 2023 pursuant to Amazon’s August 11, 2023 request. Pursuant to Amazon’s August 29, 2023 request, Gilimex provided the last known telephone number for Mr. Tuan Linh on September 6, 2023. On September 18, 2023, Amazon requested additional contact information for Hoang Bac, My Chau, and Chi Nguyen. Gilimex investigated further and provided their last known telephone numbers on September 22, 2023.

Amazon submits that Mr. Tuan Linh played a leading role in the commercial relationship between Gilimex and Amazon and in negotiating the comprehensive Component Sale and Purchase Agreement (“CSPA”) on behalf of Gilimex. Mr. Linh is also the brother-in-law of Gilimex CEO Le Hung. Amazon has attempted to contact Mr. Linh on five occasions – on September 7, 8, 15, 18, and 19, 2023 – using the phone number provided by counsel for Gilimex. In each instance, the call went to an automated voicemail message (narrated by a female voice). Counsel for Amazon left a voicemail on September 18, 2023, including contact information and a brief description of the case. Amazon has not received any response.

Amazon submits that it has been informed that Hoang Bac is a former Gilimex employee who likely has knowledge regarding the allegations in the Complaint; My Chau is a former Gilimex employee in the Planning Department who likely has relevant knowledge regarding Gilimex’s production and manufacture of FPAs; and Chi Nguyen is a former Gilimex employee who likely has relevant knowledge of raw materials and components used in the manufacture of FPAs. Amazon is in the process of reaching out to each of these individuals in hopes of securing their deposition testimony at the earliest possible juncture.

Each of these witnesses is located in Vietnam to the best of Gilimex’s knowledge and Gilimex has provided their last known addresses and telephone numbers to Amazon. Gilimex believes that given the international legal impediments to taking or compelling depositions in Vietnam, if they do not agree to appear voluntarily in a jurisdiction outside of Vietnam, it will be difficult to secure their testimony. However, Amazon intends to persist in its efforts to contact each of these key former Gilimex employees, including, without limitation, the individual who Amazon believes is Gilimex’s former lead negotiator and supply contract administrator, Tuan Linh, and will seek the former Gilimex employees’ voluntary deposition testimony at the earliest possible juncture. To the extent a voluntary deposition is not possible in one or more instances, Amazon expressly reserves its rights to compel such testimony in accordance with applicable law.

KASOWITZ BENSON TORRES LLP

Hon. Lorna G. Schofield  
September 25, 2023  
Page 3

By: /s/ Marc E. Kasowitz

KASOWITZ BENSON TORRES LLP  
Marc E. Kasowitz  
1633 Broadway  
New York, New York 10019  
Tel. (212) 506-1710  
Fax. (212) 835-5010

*Attorneys for Plaintiff*

By: /s/ Alan B. Howard

PERKINS COIE LLP  
Alan B. Howard  
1155 Avenue of the Americas  
22<sup>nd</sup> Floor  
New York, New York 10036  
Tel. (212) 261-6870

*Attorneys for Defendant*